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DEPARTMENT OF STATE.

ORRESPONDENCE

RELATING TO THE

RECALL OF MR. MOTLEY,

TRANSMITTED TO THE SENATE

JANUARY 9, 1871,

IN COMPLIANCE WITH A RESOLUTION.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1871.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with the resolution of the Senate of the 5th instant, the last correspondence between Mr. Motley, as minister to the Court of St. James, and the Department of State.

JANUARY 9, 1871.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

I transmit to the Senate, in answer to their resolution of the 5th instant, a report from the Secretary of State, with accompanying documents.

U. S. GRANT.

WASHINGTON, *January 9, 1871.*

DEPARTMENT OF STATE,

Washington, January 9, 1871.

The Secretary of State, to whom was referred the resolution of the Senate of the 5th instant, requesting the President "to communicate to the Senate, if compatible with the public interests, the last correspondence between Mr. Motley, as minister to the Court of St. James, and the Department of State, together with such other dispatches or papers touching the subject-matter to which such correspondence relates, including all telegraphic dispatches and other communications relating to his recall," has the honor to lay before the President the correspondence and papers called for by the resolution.

HAMILTON FISH.

The PRESIDENT.

List of accompanying papers.

1. Mr. Fish to Mr. Motley, No. 3, May 15, 1869.
2. Mr. Motley to Mr. Fish, No. 8, June 12, 1869.
3. Mr. Fish to Mr. Motley, No. 23, June 28, 1869.
4. Mr. Motley to Mr. Fish, No. 48, July 15, 1869.
5. Mr. Motley to Mr. Fish. No. 49, (private and confidential,) July 15, 1869.
6. Mr. Motley to Mr. Fish, No. 65, July 30, 1869.

7. Mr. Fish to Mr. Motley, No. 75, October 11, 1869.
8. Mr. Motley to Mr. Fish, No. 131, October 28, 1869.
9. Mr. Fish to Mr. Motley, (no number,) July 1, 1870.
10. Mr. Fish to Mr. Motley, (telegram,) July 12, 1870.
11. Mr. Motley to Mr. Fish, (telegram,) July 14, 1870.
12. Mr. Motley to Mr. Fish, (no number,) July 14, 1870.
13. Mr. Fish to Mr. Motley, No. 285, November 10, 1870.
14. Mr. Motley to Mr. Fish, No. 529, December 7, 1870.
15. Mr. Fish to Mr. Moran, No. 54, December 30, 1870.

1. *Mr. Fish to Mr. Motley.*

No. 3.]

DEPARTMENT OF STATE,
Washington, May 15, 1869.

SIR: Among the matters that were the subject of negotiation between your immediate predecessor and her Majesty's secretary of state for foreign affairs was a proposed convention for the regulation of the citizenship of the citizens and subjects of the respective countries emigrating to the territories of the other.

These negotiations resulted in a protocol, signed on the 9th day of October, 1868, showing the principles agreed upon by the two powers upon the question of naturalization. But inasmuch as legislation was necessary in Great Britain to carry these principles into operation, it was agreed that the protocol should not take effect until such legislation could be had.

Inclosed you have a copy of the resolution of the Senate of the 13th ultimo advising and consenting to the conclusion of a treaty, upon the basis of the above-named protocol, and also full powers authorizing you, when the necessary legislation shall be had, to execute, on behalf of the United States, a convention embodying the principles contained in the protocol.

On the 14th day of January, 1869, Mr. Johnson and Lord Clarendon signed, in London, a joint convention referring to arbitration the water boundary under article I of the treaty of June 15, 1846. On the 30th January last the President transmitted the convention to the Senate, and it was made the subject of consideration in that body; but the Senate has adjourned without coming to a vote on the same. You will please communicate this fact to Lord Clarendon, and say that, in the usual order of business, it will be before the Senate again on its reassembling in December next.

Your predecessor has already been directed to notify Lord Clarendon that the Senate has refused its advice and consent to the ratification of the convention signed at London on the 14th January last, for the settlement of all outstanding claims.

Under some circumstances, the announcement made to your predecessor of the rejection of this convention might be sufficient. But the magnitude of the claims involved, and the gravity of the questions depending between the two governments, require more than the mere announcement, to which the delicacy of his own relation to the negotiation limited the direction to him.

This Government, in rejecting the recent convention, abandons neither its own claims nor those of its citizens, nor the hope of an early, satisfactory, and friendly settlement of the questions depending between the two governments. You will so say to Lord Clarendon, and, in your

discretion, you may further proceed to communicate the views given below.

The terms of the convention, having by accident become known to the public in this country before the action upon it by the Senate, were disapproved by the people with an approach to unanimity that foreshadowed, possibly, even a less favorable vote on the question of its ratification than was actually given.

This adverse judgment, while unanimous, or nearly so, in its conclusion, was not reached by any single train of argument, nor from any one standpoint of policy, nor with any single standard of estimate of the claims either of the nation or of its citizens, nor with the same degree of importance attached to various points that have been discussed in the correspondence referred to in the convention. Various sources furnished currents running through differing and widely separated channels, but meeting to form one common stream of thought.

Both with the people and in the Senate, different minds, viewing it from different standpoints, each measuring by its own standard, and judging in its own way, arrived at the one conclusion.

The time and the circumstances under which the convention was negotiated were very unfavorable to its acceptance either by the people or the Senate.

The nation had just emerged from its periodical choice of a chief magistrate, and having changed the depository of its confidence and its power, looked with no favor on an attempt at the settlement of the great and grave questions depending, by those on the eve of retiring from power, without consulting or considering the views of the ruler recently intrusted with their confidence, and without communication with the Senate, to whose approval the treaty would be constitutionally submitted, or with any of its members.

It is wholly unnecessary to say to statesmen of the intelligence which always marks those of the British Empire, that the rejection of a treaty by the Senate of the United States implies no act of discourtesy to the government with which the treaty may have been negotiated. The United States can enter into no treaty without the advice and consent of the Senate; and that advice and consent, to be intelligent must be discriminating; and their refusal can be no subject of complaint, and can give no occasion for dissatisfaction or criticism.

On the 12th of May, 1803, a convention between the United States and Great Britain for settling the boundaries on our northeastern and northwestern frontiers was signed at London by Mr. Rufus King and Lord Hawksburg, on the part of their respective governments, and submitted to the Senate by President Jefferson, with a message of the 24th of October in that year. The Senate approved of the convention, but upon the condition that the fifth article should be expunged, a condition which was never complied with.

On the 31st of December, 1806, Messrs. Monroe and Pinckney, on our part, signed at London a treaty of amity, commerce, and navigation with Great Britain. This instrument was not acceptable to President Jefferson, as it contained no article providing for the security of United States seamen from impressment. Consequently the treaty was never even laid before the Senate for its consideration.

A convention for the suppression of the African slave trade was signed at London on the 13th of March, and submitted to the Senate by President Monroe, with a message of the 21st of May, 1824. This convention, also, was approved by the Senate with conditions which were not accepted by Great Britain.

Upon one point the President and the Senate and the overwhelming mass of the people are convinced, namely: that the convention, from its character and terms, or from the time of its negotiation or from the circumstances attending its negotiation, would not have removed the sense of existing grievance; would not have afforded real substantial satisfaction to the people; would not have proved a hearty, cordial settlement of pending questions, but would have left a feeling of dissatisfaction inconsistent with the relations which the President desires to have firmly established between two great nations of common origin, common language, common literature, common interests and objects in the advancement of the civilization of the age.

The President believes the rejection of the convention to have been in the interest of peace, and in the direction of a more perfect and cordial friendship between the two countries, and in this belief he fully approves the action of the Senate. That action is quite recent and has been the cause of some excitement and popular discussion on both sides of the Atlantic, and possibly of some little disappointment, if not of irritation, in England. The tone of the press and the proclaimed opinions of some public men in each country suggest that the present is not the most hopeful moment to enter upon a renewed discussion, either of the objections to the lately proposed convention, or of the basis of a renewed negotiation. A suspension of the discussion on these questions for a short time (but in communicating with Lord Clarendon you will be particular to assure him that the desire on our part is that this suspension be limited to the shortest possible time consistent with its object) will allow the subsidence of any excitement or irritation growing out of the negotiation or of the rejection of the treaty—will enable the two governments to approach the more readily to a solution of their differences.

The President hopes that her Majesty's government will view the propriety of the suspension in the same light in which he proposes it, as wholly in the interest and solely with a view to an early and friendly settlement of the questions between the two governments.

He hopes that when the question shall again be considered, it may comport with the views of her Majesty's government to embrace within the scope of the negotiation some agreement by the two governments, defining their respective rights and duties as neutrals in case the other government becomes unfortunately involved in war with a third power.

The absence of some agreement or definition on this subject was among the causes leading to the rejection of the recent convention, under which, had it been adopted by the two countries, none of the grave questions which have arisen would have been passed upon by a tribunal whose decision either party (much less other nations) would regard as authority, so as to prevent repetition or retaliation. It might, indeed, well have occurred in the event of the selection by lot of the arbitrator or umpire in different cases, involving, however, precisely the same principles, that different awards, resting upon antagonistic principles, might have been made.

If, however, the two great leading maritime commercial nations of the world establish a rule to govern themselves, each with respect to the other, they may reasonably hope that their conclusion will be accepted by the other powers, and will become for the future recognized as a part of the public law of the civilized world.

The President recognizes the right of every power, when a civil conflict has arisen within another state, and has attained a sufficient complexity, magnitude, and completeness, to define its own relations and

those of its citizens and subjects toward the parties to the conflict, so far as their rights and interests are necessarily affected by the conflict.

The necessity and the propriety of the original concession of belligerency by Great Britain at the time it was made have been contested and are not admitted. They certainly are questionable, but the President regards that concession as a part of the case only so far as it shows the beginning and the animus of that course of conduct which resulted so disastrously to the United States. It is important, in that it foreshadows subsequent events.

There were other powers that were contemporaneous with England in similar concession, but it was in England only that the concession was supplemented by acts causing direct damage to the United States. The President is careful to make this discrimination, because he is anxious as much as possible to simplify the case, and to bring into view these subsequent acts, which are so important to determining the question between the two countries.

You will, therefore, be pleased, in your social and private intercourse and conversation, as well as when it becomes necessary in your official conversation and intercourse, to adopt this view of the issuance of the declaration of neutrality by Great Britain, and the other powers, and to place the cause of grievance against Great Britain, not so much upon the issuance of her recognition of the insurgents' state of war, but upon her conduct under, and subsequent to, such recognition. And it is desirable that you avail yourself of early and suitable occasion, in your social intercourse with the representatives of other powers which made similar recognition, to let them understand the position of this Government on that question, and that the United States make such recognition by them no ground of complaint.

I am, sir, your obedient servant,

HAMILTON FISH.

J. LOTHROP MOTLEY, Esq., &c., &c., &c.

2. *Mr. Motley to Mr. Fish.*

No. 8.]

LEGATION OF THE UNITED STATES,
London, June 12, 1869. (Received June 23, 1869.)

SIR: On the 10th June I had an interview with Lord Clarendon, at his house, as owing to a slight indisposition he was unable to go to the foreign office.

I told him that I had been instructed to say that the United States Government was ready to enter into arrangements for converting the protocol signed on 9th October, 1868, in regard to naturalization, into a treaty, whenever the necessary legislation had been completed by Parliament.

He expressed a doubt whether there would be time for carrying the necessary measure through Parliament during what is left of the present session; almost every remaining day being assigned for other business, and there being so many various interests involved in the measure to be prepared, so far as this country and its Indian and many colonial possessions are concerned. He did not say positively that it was impossible to introduce and carry through a bill before the prorogation, and proposed to make some definite inquiries in the proper quarter in regard to the matter. The report of the commission was voluminous and interesting, but it would require much time and careful deliberation for the

framing of a proper bill to meet all contingencies, and its introduction would necessarily cause long debates. Meantime the great principles on which the treaty would be based had been definitely settled by the protocol, and would stand as a guide in case of international questions arising before the conclusion of a convention. The theory of indefeasible allegiance was forever abandoned, and although it was not so simple a matter to cover all the complication of consequences growing out of the new order of things in so complex an empire as Great Britain as it was in the case of the treaties made between the United States and the German governments, yet there could be no doubt that at least in the next session there would be time for the needful legislation. I made no further remark save to express the hope that so desirable and vitally important a measure should not be delayed a moment longer than absolutely necessary—an observation in which his lordship entirely acquiesced.

In regard to the northwest water boundary convention, I simply observed that there had been no time for its consideration in the Senate before the adjournment, but that it would come up in the regular course of business at the future Executive sessions when that body should reassemble in its next winter session.

I then approached the momentous affair of the rejection of the claims convention. I told him that I was fully sensible of the gravity of the occasion, and of the contingencies which would depend on negotiations concerning such vital, and as they might be called, such burning questions as those comprehended under the simple title of a convention for the settlement of all outstanding claims. Certainly it was my wish, so long as I was honored with my present post of envoy, to do what in me lay toward establishing a wholesome, honorable, and cordial feeling between two such great nations as Great Britain and the American Republic, consistently with regard to the honor and interests and the just claims of my own country. I observed that I had been instructed to give the reasons why, in the opinion of the President, the treaty signed on the 14th of January last had been rejected; hitherto nothing having been said beyond the bare announcement of the fact. The United States Government thought it almost superfluous to say that the refusal of the Senate to give its consent to a convention implied no discourtesy to the government with which the treaty was negotiated, and they recognized that the magnitude of the pending questions and claims required more than the brief statement to which the peculiar delicacy of the circumstances had limited the first announcement.

His lordship answered that a dry notification of the refusal of the Senate's advice and consent had been received from the United States Government, and they had heard nothing more on the subject, except Mr. Sumner's speech. I proceeded to say—according to my instructions—that the treaty having been, by accident, made public in the United States before any consultation upon it in the Senate, had called forth almost unanimous and singularly strenuous expressions of disapprobation from most of the organs of public thought, and many of the leading minds in the country. Its rejection in the Senate was foreshadowed by the spontaneously expressed feeling of the nation.

He asked me how the treaty happened to be made public before it had been acted upon. I answered that, as I had been informed, it was by an accident. More than this I was unable to state. He said it was first published in the United States—not in England—to which I made no reply.

I continued my statement by informing him that there were various

causes for the sentiments so generally made manifest in the United States; some relating directly to the terms, tenor, and nature of the convention itself, on which part of the subject I did not propose at that moment to dilate, and others to the time and circumstances of the negotiation. Certainly it could not be denied that the United States Government, like all other governments, was continuous in its vitality, and that a treaty negotiated according to the rules was not an affair of party, nor to be confirmed or rejected on party grounds. The rejection of the claims treaty, however, was not in the slightest degree an affair of party, as was sufficiently proved by the vote in which Senators of every shade of political opinion had emphatically united. His lordship observed that it could not be denied that this result might induce more caution in future, as when dealing with plenipotentiaries from the United States it would be necessary for a government to remember that there was a greater power behind them—namely, the Senate. I answered simply that this force had always been there, no full power from the United States Government being drawn up without the phrase, “by and with the advice and consent of the Senate,” being inserted, and that the simple line of the Constitution, giving the treaty-making power to the President contained the familiar limitation. Of course, his lordship manifested his knowledge and appreciation of these facts. I proceeded to say that this exercise by the Senate of its power to withhold its consent, in regard to treaties, was never capricious, never occurred except for grave reasons, and ought never to cause dissatisfaction or complaint on the part of the other contracting power, or be regarded as a discourteous proceeding. I could give him, if he wished, many instances in our history of a similar refusal on the part of the Senate, but certainly never had this coördinate right been used by the Senate more deliberately and dispassionately, or from purer or more unmixed motives, than in regard to the convention of the 14th of January, 1869.

I then set forth very fully, in accordance with the instructions in your No. 3, the reasons why both the Senate and people of the United States had looked with so much disfavor upon an attempt to settle questions of vast importance and of momentous consequences or contingencies exactly at a moment when a new chief magistrate had been elected, and was, within six or seven weeks of the date of the treaty, to be installed in his great office—and to settle them without any consultation, formal or informal, with that eminent person, or with the Senate, or with any member thereof. I refrained from any further comments on those proceedings, save to indicate them as in themselves almost sufficient to cause a delay in the ratification of the convention, even had its terms been in themselves far less objectionable.

Having given the causes at length which had brought about the rejection of the treaty, so far as you wished me to explain them, I went on to observe that her Majesty's government would naturally wish to learn what, in the opinion of the United States Government, was the proper course to pursue in the premises. I added, accordingly, that I was instructed to say that, in the opinion of the President, it would be well to pause for a brief period—a limited interval—not longer than might be necessary for the subsidence of violent emotions and public manifestations of excited feeling created by the rejection of the treaty, and by the various trains of causes which had led up to that event, before once more calmly reviewing the situation, and looking the great issues between the countries, with all their difficulties, dangers, and contingencies, steadily in the face.

The President fully concurred in the action of the Senate refusing its consent to the treaty, not because he wished or hoped for war or unfriendly relations between the two nations, but because he wished for peace and honest friendship. The rejection of the treaty was in the interest of peace. Its ratification would have covered up a grievance which most certainly would have continued to rankle and to fester beneath the surface, however smooth the external relations might for a time seem. Those wounds must be probed before they could be healed. That there was a deep and almost universal conviction among the American people of a great wrong sustained by them during the war, was a fact with which the two governments would be obliged to deal when negotiations should be resumed.

At present the United States Government, while withdrawing neither its national claims nor the claims of its individual citizens against the British government, would prefer the pause in the negotiations already suggested.

His lordship observed that he saw no objection to this course, agreeing with me that it would be well to give time for emotions which had been excited of late to subside, although he expressed a doubt whether among the inhabitants of this country there was any such intensity of feeling on the pending questions as I alluded to as existing in America. He added, with some feeling, that in his opinion it would be highly objectionable that the question should be hung up on a peg, to be taken down at some convenient moment for us, when it might be difficult for the British government to enter upon its solution, and when they might go into the debate at a disadvantage. These were, as nearly as I can remember, his words, and I replied very earnestly that I had already answered that question when I said that my instructions were to propose as brief a delay as would probably be requisite for the cooling of passions and for producing the calm necessary for discussing the defects of the old treaty and a basis for a new one. The United States Government had no insidious purposes, and certainly I, as its agent, felt myself incapable of harboring any such objects. He expressed himself as entirely satisfied.

I proceeded to say that one great objection to the treaty, in the opinion of the President, was that it established no principle; and I called his lordship's attention to your very judicious suggestion that the throwing of the dice for umpires might bring about opposite decisions in cases arising out of identical principles. He agreed entirely that no principle was established by the treaty, but that the throwing of dice or drawing of lots was not a new invention on that occasion, but a not uncommon method in arbitrations. I only expressed the conviction that such an aleatory process seemed an unworthy method for disposing of questions hinging on great principles of law and involving the welfare of nations and the contingencies of war and peace, a remark in which I understood him to acquiesce.

I observed further, that the President hoped, when negotiations on these grave matters should be renewed, for the establishment of general and fundamental principles, binding upon both nations, in full view of the fact that what should, after this long international debate, be adopted by the two leading naval and commercial powers of the world, as the amended public law for their own guidance, would probably be considered as the "*norma agendi*" for the civilized world. His lordship heartily concurred in this view of the case, saying that it was what he had always earnestly desired, and that he had on a former occasion proposed such a general amending of the laws to Mr. Adams. That distin-

guished envoy had, however, shown no disposition to engage in such discussion, contenting himself with the observation that he certainly thought the English neutrality laws much in need of amendment.

I expressed no dissent from the views of my eminent predecessor, adding that I thought it probable that a settlement of principles of action for the future, without some retroactive effect upon the past, would not be entirely satisfactory to Mr. Adams, or to other agents of the United States Government.

I then stated the opinion of the President in regard to the recognition or concession of belligerency, as stated in your No. 3, saying that the President recognized the right of a sovereign power to issue proclamations of neutrality between an insurgent portion of a nation and the lawful government, when such insurrection should have gained the necessary magnitude, consistency, extent of organized power and probability of justification by success; but that such measures must always be taken with a full view of the grave responsibilities assumed.

The famous proclamation of neutrality of May 13, 1861, was not considered justifiable by the United States Government, but the President wished it to be used, when our case should once more be presented, only as showing animus, and as being the fountain head of the disasters which had been caused to the American people, both individually and collectively, by the hands of Englishmen.

Other nations had issued proclamations contemporaneously, or nearly so, with that of Great Britain; but from Great Britain alone had there come a long series of deeds, injurious to the United States, as the fruits of the proclamation, while from other nations there had come no injury save the declaration itself.

His lordship here made the observation that if there was to be any discussion of principles it had better be done thoroughly and to the bottom; that he would always maintain that the English neutrality had been a fair and sincere neutrality on the part of the English government.

I admitted at once the difficulty of keeping out of all discussion of a subject with which English and American minds were so filled, the tendency to drift into debate, even without intending it, being so natural; but having said essentially all that I was instructed by my Government to say, I would abstain, for the moment, from further disquisition.

I said that I had never been in my life more impressed than now by the magnitude of the responsibility, weighing upon all men who were charged with maintaining any part of the relations between two such vast and powerful communities as the British Empire and the American Republic—nations that could do each other so much injury or such infinite good. So far as my humble labors should be concerned, I meant always to do my best, while maintaining the honor and just rights of my own country and of all its citizens, to bring about, if possible, a restoration of equitable and amicable relations between the two governments. I did not disguise from myself that the path was surrounded by perils. It was sometimes thought puerile or unbecoming in political or international affairs to deal with the emotions, the passions, or sentiments of nations. But after all, nations were aggregates of individuals, and how were we to rule out the sentiments and the passions from national or individual life? When a deep and pervading sense of wrong suffered, of grievances unredressed, existed in a people, it was a fact to be dealt with, not a sentiment to be ridiculed. Enlightened statesmen, like those ever charged with the conduct of English affairs, would never forget that grave and disastrous misunderstandings and cruel wars resulted as often in history from passionately excited emotions and injured feelings

as from cabinet deliberations or political combinations. At any rate, it would be dishonest in me to conceal the fact that there was much excitement of feeling and intensity of opinion in the United States in regard to the questions at issue between the countries, and to calmly, but earnestly, call his attention and that of the British government to this grave aspect of affairs.

His lordship said that, for this very reason, he was glad that this brief interval of abstinence from discussion had been suggested, and then expressed himself in very energetic language, with all the signs of perfectly sincere emotion, upon the horror with which he regarded war, or even permanent alienation, between the two branches of the Anglo-Saxon race. He could contemplate, he said, the possibility of war between Great Britain and any other foreign power, but war with America inspired him with abhorrence. He regarded it, he said, as a "*crimen non nominandum inter Christianos*." He never could bring himself to look upon Americans as foreigners. While expressing my entire sympathy with these sentiments, I confessed to a despondent feeling sometimes as to the possibility of the two nations ever understanding each other—of the difficulty, at this present moment, of their looking into each other's hearts.

He agreed that both seemed to have the same Saxon stubbornness, and absolute confidence in themselves, and each in their own cause. Where they quarreled, it was Greek meeting Greek.

It would be unjust if I did not bear testimony to the frankness and cordiality of his lordship's expressions of good will toward the United States, and to the sincerity of his hopes for a peaceful issue out of our threatening complications.

I make no apology for this long dispatch. I have endeavored to report to you as faithfully as I can my first conversation with her Majesty's principal secretary of state for foreign affairs. If my own part in the conversation seems to have undue proportions, it is because it was necessary for me to give, in exact accordance with your instructions, a full statement of the causes which led the Senate to refuse its advice and consent to the treaty signed on the 14th of January last, for the settlement of outstanding claims.

I have the honor to be, sir, your obedient servant,

JOHN LOTHROP MOTLEY.

Hon. HAMILTON FISH,
Secretary of State.

3. *Mr. Fish to Mr. Motley.*

No. 23.]

DEPARTMENT OF STATE,
Washington, June 28, 1869.

SIR: I have to acknowledge the receipt of your dispatch No. 8, dated June 12, and have read with much interest its narration of your very important interview with Lord Clarendon.

Your general presentation and treatment of the several subjects discussed in that interview meet the approval of this Department.

In the course of the conversation, however, it seems that the President's view of the right of every power, when a civil conflict has arisen within another state, to define its own relations, and those of its citizens, was not conveyed in precise conformity to that view, as I desired

to present it to you, and as it would doubtless have been conveyed by you had your communication been made in writing.

The subject may not again be a topic of official communication between yourself and the minister of foreign affairs, but I venture to call your attention to it, because of the statement in your dispatch that Lord Clarendon replied to that part of your remarks by saying that "if there was to be any discussion of principles it had better be done thoroughly and to the bottom." The President recognizes the importance of a thorough discussion (whenever the subject is resumed) upon all the points of difference.

He wishes that whenever negotiations or discussion on the subject of the "Alabama claims" (so-called) shall be renewed, they be conducted in the United States; and he desires that at the proper time you should convey this wish to the minister of foreign affairs. It is impossible to say at present when that time will arrive, but it will certainly have arrived whenever the British government shall propose a discussion, or shall intimate a desire to reopen the negotiation.

In the meantime, you may be well content to rest the question on the very forcible presentation you have made of the American side of the question. It was strongly done, and if there were expressions used stronger than were required by your instructions, the excess was in the right direction, and stopping where they do, and uttered as they were, it may well be hoped that they may tend to impress the minister with the seriousness of our appreciation of the grievances we have sustained.

I am, sir, your obedient servant,

HAMILTON FISH.

J. LOTHROP MOTLEY, Esq., &c., &c., &c.

4. *Mr. Motley to Mr. Fish.*

No. 48.]

LEGATION OF THE UNITED STATES,
London, July 15, 1869. (Received July 29, 1869.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 23, of the 29th of June.

I take notice that you desire that I should rest upon the presentation of the American side of the case, already made by me; and that I should not further allude officially to the subject, until such time as the British government may propose a discussion or intimate a desire to reopen the negotiation; in which event I am instructed to convey the wish of the President that the negotiation, or discussion on the subject of the so-called Alabama claims, should be conducted in the United States.

You may rely upon my faithfully carrying out these instructions.

I have the honor to be, sir, your obedient servant,

JOHN LOTHROP MOTLEY.

Hon. HAMILTON FISH,

Secretary of State, Washington, D. C.

5. *Mr. Motley to Mr. Fish.*

[Private and confidential.]

No. 49.]

LEGATION OF THE UNITED STATES,
London, July 15, 1869. (Received July 29.)

SIR: I observe that while my general presentation of the subjects discussed with Lord Clarendon, in the interview described in my No. 8, meets your approval, the President's view of the right of every power, when a civil conflict has arisen within another state, to define its relations and those of its citizens does not seem to have been conveyed to her Majesty's principal secretary of state for foreign affairs in precise conformity with that view, as you desired to present it to me in your No. 3.

As it is my earnest wish to set forth the opinions of the President with exactness, I have reviewed my No. 8, after reading your dispatch just received, and am led to suppose, as you do not specify the discrepancy between those instructions and my oral statements to Lord Clarendon, that more stress was laid by me upon the original investiture of the insurgent portion of the United States population at the outbreak of the rebellion with belligerent rights by the British government, and on the steady persistence of that government in its unfriendly and injurious policy, after its injustice and its pernicious effects had been proved, than comports with the intentions of the President. The extensive disasters resulting from that hurried recognition of belligerency on the 6th of May, 1861, which was, in fact, one week earlier than the so-called neutrality proclamation, and from the secret semi-official negotiations then inaugurated with the rebel authorities in regard to two of the four points of the declaration of Paris of 1856, have always much impressed me. The careful elimination of the first point, abolishing privateering, from those early discussions, and the subsequent refusal of the British government to accept the proposition of the United States Government for the suppression of privateering, except on the condition of excluding its jurisdiction in this regard over the insurgent portion of its own citizens, have always seemed to me matters of the utmost gravity, both for their practical effects and for the important principles involved.

As the rebel agents in London frankly avowed to the British government, in one of their earliest interviews, that they had neither armed ships nor a commercial marine of any account, and as Englishmen engaging in depredations upon the commerce of a friendly power, under cover of rebel letters of marque or pretended commissions to public ships, would have unquestionably been liable to punishment as pirates, it would seem to have been the first thought of the British government, although not foreseeing, of course, the great system of marauding which was so soon to be organized by its subjects, to throw over them, when employed in such pursuits, the protection of belligerent rights. Thus privateering, abolished at Paris by Great Britain, France, and other great powers, as contrary to the humaner spirit of the age, was stimulated, instead of being impeded, although damage was thereby likely to be inflicted upon the commerce of a friendly nation. It did not occur to me, in my first conversation with the minister, that the rights and interests of British citizens had been *necessarily* affected by the conflict apparently impending in the spring of 1861, merely because some of them might be inclined to furnish to rebels those means of despoiling the United States of which they had declared themselves

destitute. I did not, therefore, suppose myself to be transcending the lucidly and carefully-drawn limitations of the instructions in which you explain the President's views on the subject of belligerency when I spoke upon that point.

The significant statements, too, of the British government on the 6th of May, 1861, in regard to the condition which should precede its concession of naval belligerency to the southern rebellion, (the due establishment, namely, of prize courts and regular adjudication of captures, according to international law,) and the utter contempt shown by the rebel cruisers and their English allies for this condition, imposed by her Majesty's government, have always seemed to me points to be kept in clear view whenever any allusion to the great principles in debate between the two countries should be made.

You will pardon me that I venture to make this slight explanation of the considerations which have, perhaps, led me, in official intercourse, somewhat beyond the strict letter of my instructions.

I have the honor to be, sir, your obedient servant,

JOHN LOTHROP MOTLEY.

6. *Mr. Motley to Mr. Fish.*

[Private and confidential.]

No. 65.]

LEGATION OF THE UNITED STATES,
London, July 30, 1869. (Received August 11, 1869.)

SIR: I find that I have inadvertently omitted, until now, to inform you that my dispatch No. 8, of June 12th, containing a minute record of an official interview with Lord Clarendon, was confidentially submitted by me to his lordship, in order that there might be no misunderstanding at any future day as to the accuracy of the report of our conversation.

I accordingly beg now to say that he quite concurred in the fidelity of the statements of the dispatch as sent to you. I have also to add that the dispatch was seen by nobody but Lord Clarendon himself, and that no extract from it was made.

I am, sir, very respectfully, your obedient servant,

JOHN LOTHROP MOTLEY.

Hon. HAMILTON FISH,

Secretary of State, &c., &c.

7. *Mr. Fish to Mr. Motley.*

No. 75.]

DEPARTMENT OF STATE,
Washington, October 11, 1869.

SIR: When, on the 28th of June last, I answered your No. 8, in which you gave a highly interesting account of your interview with Lord Clarendon, and of the views which you there presented to him as the views entertained by the President upon the subjects of the recognition of the late insurgents in the Southern States as belligerents, and the destruction of American commerce by cruisers of British origin carrying the insurgent flag, I was not aware that your statement of the conversation had been submitted to his lordship for his verification.

Your No. 65, of the 30th of July last, first acquainting the Department with that fact, arrived here on the morning of a day on which I was about to leave Washington for a temporary absence, and through inadvertence the fact escaped my notice.

As, without an explanation, his lordship may naturally be surprised at finding some of the views, purporting to come from the President, which are contained in the written paper submitted by you in June last, inconsistent with the views contained in the paper dated the 25th of September last, which you were instructed to read to him, I must ask you to explain to him that your presentation and treatment of the subject discussed at that interview were, in part, disapproved by me, in my communication of the 28th of June last, to which I have already referred. This you may do by reading to him such portion of the instructions contained in my No. 23, of the 28th of June last, as referred thereto, or by stating to him the substance of such part of that note, or by a note containing the substance of that part of my note, at your discretion.

I am, sir, your obedient servant,

HAMILTON FISH.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., *London*.

8. Mr. Motley to Mr. Fish.

No. 131.]

LEGATION OF THE UNITED STATES,
London, October 28, 1869. (Received November 9, 1869.)

SIR: I have had the honor to receive your dispatches Nos. 75 to 79, both inclusive.

I beg to transmit herewith copy of a note addressed by me to Lord Clarendon, on the 23d instant, in reference to the interview of June 10, and to your dispatch, read by me to his lordship, on the 15th instant.

And I have the honor to be, sir, your obedient servant,

JOHN LOTHROP MOTLEY.

Hon. HAMILTON FISH,
Secretary of State.

Mr. Motley to Lord Clarendon.

LEGATION OF THE UNITED STATES,
London, October 23, 1869.

MY LORD: In reference to the conversation which I had with your lordship on the 10th of June last, and to the dispatch from the United States Secretary of State, which I had the honor to read to you on the 15th instant, it may have possibly appeared that there was some inconsistency between the views of the President upon the subject of the recognition of the late insurgents in the Southern States as belligerents, and the destruction of American commerce by cruisers of British origin, carrying the insurgent flag, as verbally expressed by me at the interview in June, and those views as set forth in the above-mentioned dispatch, I think it necessary to inform your lordship, therefore, that the Secretary of State, on reception of my dispatch recounting the substance of the conversation in June, observed to me, in a dispatch of the 29th of June, that it did not seem that the President's view of the right of every power, when a civil conflict has arisen within another State, to define its own relations and those of its citizens, had been conveyed in precise conformity to that view as the Secretary of State desired to present it to me, and as it doubtless would have been conveyed by me, had my communication been made in writing.

I would therefore request your lordship to consider the dispatch of the United States Secretary of State, which I read to you on the 15th instant, and a copy of which I

have had the honor of sending to your lordship, as containing the exact and authoritative statement of the President's views on this subject, as laid down in all the instructions given under his directions by the Secretary of State.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your lordship's most obedient servant,

JOHN LOTHROP MOTLEY.

The Right Honorable the EARL OF CLARENDON,
&c., &c., &c.

9. *Mr. Fish to Mr. Motley.*

[Private.]

DEPARTMENT OF STATE,
Washington, July 1, 1870.

SIR: I am instructed by the President to say that he finds it desirable to make a change in the mission to England, and that he wishes to allow you the opportunity of resigning, in case you feel inclined to do so.

With great respect, yours, very truly,

HAMILTON FISH.

J. LOTHROP MOTLEY, Esq., *&c., &c., &c., London.*

10. *Mr. Fish to Mr. Motley.*

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 12, 1870.

Am directed to say the President would like an answer by telegraph to my letter of first instant.

FISH.

MOTLEY,
Minister, London.

11. *Mr. Motley to Mr. Fish.*

[Telegram.—Received July 14, 1870.]

I respectfully request you to inform the President that I feel compelled to decline the offer which he makes in giving me an opportunity of resigning my post, for considerations which are set forth in full in my letter of to-day.

MOTLEY,
London.

FISH,
State Department, Washington.

12. *Mr. Motley to Mr. Fish.*

[Private.]

LEGATION OF THE UNITED STATES

July 14, 1870. (Received July 26, 1870.)

SIR: I have had the honor to receive your private letters of 1st instant, from which I learn that you are instructed by the President to say that he finds it desirable to make a change in the mission to England, and that he wishes to allow me the opportunity of resigning in case I feel inclined to do so.

In compliance with the request contained in your telegram of 12th instant, I have replied this day to the above-mentioned letters by a telegram in these words:

"I respectfully request you to inform the President that I feel compelled to decline the offer which he makes in giving me an opportunity of resigning my post, for considerations which are set forth in full in my letter of to-day."

I have now to observe, in further explanation of my course, that as no reasons are given me why I should resign the post to which I was appointed by the President fifteen months ago, with, I believe, the unanimous consent of the Senate; as I myself know of none, and as I am not conscious of having ever omitted to carry out, to the best of my ability, the policy and instructions of the President during the period of my mission, I fail to perceive why I should offer my resignation.

Certainly it is not my wish to embarrass an administration which I have always faithfully supported, but I owe something to myself.

Were I now to make use of this permission accorded me to resign, it would seem that I did so in order to avoid a removal which I knew to be just, and to escape a stigma which I felt to be deserved.

As I know the record of my mission, as it stands in the archives of the Department and of this legation, to be free from intentional fault, and as I have therefore no reason to shun the strictest scrutiny, I do not like to have even the appearance of making a contrary admission.

A man is sometimes permitted, as a favor, to resign a post of honor and responsibility, in order to escape examination, censure, or removal; but resignation, under such circumstances, is not a voluntary act, and does not seem to differ essentially from removal.

Such a proceeding on my part would possibly be misinterpreted by many, both at home and abroad, whose opinions I value.

With great respect, yours, very truly,

JOHN LOTHROP MOTLEY.

Hon. HAMILTON FISH,
Secretary of State.

13. *Mr. Fish to Mr. Motley.*

No. 285.]

DEPARTMENT OF STATE,

Washington, November 10, 1870.

SIR: Herewith you will receive a letter addressed by the President to her Majesty the Queen announcing your recall. You will accordingly communicate to her Majesty's principal secretary of state for foreign affairs the accompanying copy of the President's letter, and when you

shall have ascertained in what manner it will be most agreeable to her Majesty to receive the original, you will take leave of the British government with an expression on the part of the President of his desire to maintain the friendly relations which now so happily subsist between the two countries.

Upon retiring from the mission you will commit the archives and other property of the legation into the hands of Mr. Moran, who will take charge of the same.

I am, sir, your obedient servant,

HAMILTON FISH.

JOHN LOTHROP MOTLEY, Esq.

14. *Mr. Motley to Mr. Fish.*

[End of mission.]

No. 529.]

LEGATION OF THE UNITED STATES,
London, December 7, 1870. (Received Dec. 22.)

Referring to my No. 525, I have now the honor to state that your No. 285, accompanying a letter addressed by the President to her Majesty the Queen, announcing my recall, was received by me on the 22d ultimo.

I had an interview with the principal secretary of state for foreign affairs on the same day, and verbally communicated to him the fact of my recall. As her Majesty was then in Scotland, but was intending to return very soon to Windsor Castle, it was agreed between Lord Granville and myself that it would be best to defer for a few days my formal note, announcing that I had been intrusted with the above-mentioned letter of the President.

Accordingly, on the 29th ultimo, I made a written communication to his lordship, a copy of which is appended.

On the 4th instant I received a notification announcing that her Majesty would receive me on the 6th instant; and, on the same day, a letter from Lord Granville, of which a copy is annexed.

On the 6th instant I had the honor of taking leave of her Majesty, and of stating, in accordance with your instructions, the desire of the President to maintain the friendly relations which now so happily subsist between the two countries.

Upon retiring from the mission upon the 7th instant, I committed the archives and other property into the hands of Mr. Moran, who has now charge of the legation.

Having thus closed my brief mission at this court, I think it proper to place on record a statement of the manner in which it has been terminated.

On the 25th of June last I read in the telegraphic intelligence from the United States of a London journal the announcement, unofficial, but verified by subsequent events, that the President of the United States had signified his intention of removing me from my post.

It would be impossible for any diplomatic agent to believe himself as more thoroughly possessing the confidence of the government which he had the honor to serve than I supposed myself to enjoy at that moment.

No intimation of a contemplated change had been made to me; no shadow of a difference of opinion existed between the President and his government and myself, as to our relations with Great Britain or any other power, or as to the general policy of his administration; and I was

at that very period engaged in as delicate and confidential a diplomatic correspondence with yourself and the British government, upon several important matters, as could well be confided by a government to its foreign agent.

The report in the newspapers I dismissed, therefore, as an idle rumor; the President of the United States being incapable, as I believed, of thus dealing with a public servant whom he had himself so recently appointed. Had a change been contemplated, I felt certain that I should have been privately informed of it first, and the public afterward. Had any charges against me of dereliction from duty been possible, I was sure that they would have been preferred to my face, so that I might have the opportunity of answering them. Had the public service, or even the exigencies of party politics, made a change in this mission necessary in the opinion of the President, I could not doubt that a courteous dispatch would have apprised me of the fact, and the reasons coupled with the acknowledgment, to which I felt myself entitled, that I had been zealous and faithful in the discharge of the high office with which the President and Senate had honored me.

No man has the right to doubt that in such case I would have at once offered my resignation.

Nineteen days later than the appearance of the original announcement, frequently repeated and commented upon afterward by the journals of the United States and this country, I had the honor to receive, on the 13th of July, a letter from yourself to the following effect:

[Private.]

DEPARTMENT OF STATE,
Washington, July 1, 1860.

SIR: I am instructed by the President of the United States to say that he finds it desirable to make a change in the mission to England, and that he wishes to allow you the opportunity of resigning in case you feel inclined to do so.

With great respect, yours, very truly,

HAMILTON FISH.

J. LOTHROP MOTLEY, Esq., *London.*

Complying with the request contained in your brief telegram received a few hours earlier than your letter, (midnight, 12th July,) which was to this effect:

Am directed to say the President would like an answer by telegraph to my letter of 1st instant.

I sent you on the 14th July a telegram in cipher, as follows:

I respectfully request you to inform the President that I feel compelled to decline the offer which he makes in giving me an opportunity of resigning my post, for considerations which are set forth in full in my letter of to-day.

The telegraph soon informed the world that a gentleman was nominated to the Senate as my successor, on that same day, 14th July, and that he was confirmed on the 15th.

Thus my reception of the President's first and only notification to me, my refusal by telegraph to resign, the nomination of a successor, and his confirmation by the Senate, were events all comprised within about forty-eight hours. My letter, of even date, with my telegram was sent in the dispatch bag of that day, but of course could not arrive until many days later. It was in these words:

LEGATION OF THE UNITED STATES,
London, July 14, 1870.

SIR: I have had the honor to receive your private letters, from which I learned that you are instructed by the President to say that he finds it desirable to make a change

in the mission to England, and that he wishes to allow me the opportunity of resigning in case I feel inclined to do so.

In compliance with the request contained in your telegram of 12th instant, I have replied this day to the above-mentioned letter by a telegram in these words :

[The text of the above-cited telegram was then given.]

I have now to observe, in further explanation of my course, that as no reasons are given me why I should resign the post to which I was appointed by the President fifteen months ago, with, I believe, the unanimous consent of the Senate, as I myself know of none, and as I am not conscious of having ever omitted to carry out, to the best of my ability, the policy and instructions of the President during the period of my mission, I fail to perceive why I should offer my resignation.

Certainly it is not my wish to embarrass an administration which I have always faithfully supported, but I owe something to myself.

Were I now to make use of the permission accorded me to resign, it would seem that I did so in order to avoid a removal, which I knew to be just, and to escape a stigma which I felt to be deserved.

As I know the record of my mission as it stands on the archives of the Department and of this legation to be free from intentional fault, and as I have therefore no reason to shun the strictest scrutiny in this regard, I do not like to have even the appearance of making a contrary admission.

A man is sometimes permitted, as a favor, to resign a post of honor and responsibility in order to escape examination, censure, and removal; but resignation under such circumstances is not a voluntary act, and does not seem to me to differ essentially from removal. Such a proceeding on my part would perhaps be misunderstood by many, both at home and abroad, whose opinions I value.

With great respect, yours very truly,

JOHN LOTHROP MOTLEY.

I suppose, of course, that this letter duly reached you, although its receipt has never been acknowledged, nor, indeed, has a single line since your above-quoted letter been received by me in regard to my removal, or to the appointment of one or another gentleman to this post, until the arrival of your before-mentioned dispatch of the 10th November last.

It would be difficult to treat an envoy of the United States, accredited to the sovereign of a powerful government, with a more marked disrespect for his official position, or for his feelings as a loyal citizen of the republic, than has been done in my case. So far as I am aware, no regularly confirmed minister at this court has ever been removed by the President who appointed him.

It has generally been admitted in our country that power and responsibility are inseparable, and that republican institutions are founded upon reason, justice, and honor, not upon arbitrary will. Yet the Government of the United States has deliberately wrought as much injury to my reputation in an honorable profession as it could do, and there is not a charge against me.

My ambition has always been to deserve the good opinion of my countrymen. The American people are just and honorable, and I should be pained if they believed me unfaithful to the high trust reposed in me, or to have been at any time deficient in maintaining their honor or interests.

Many far abler men than myself, illustrious statesmen beside whose names my own cannot even be mentioned, have preceded me in this office, but not one has ever been more zealous or assiduous, or more anxiously resolved to obey the instructions of his Government.

The egotism of this dispatch is not in accordance with my taste or my feelings, but Government has placed me in a position in which self-defense is imperative.

This, much I owe to the dignity of an office which has been insulted in my person—to my own character, which has been subjected to malignant and anonymous attack.

It is of the least conceivable consequence to the American people

whether they are or are not represented in this country by myself. It is of very grave consequence that a representative of the United States abroad may be suddenly visited at any moment by the severest penalty that the Executive can deal to a delinquent minister; and yet that there should be no default.

The position of United States minister at this court is a laborious one, and my whole time has been devoted to its duties. The naturalization treaty, the proposed consular convention, the attainment of the release by her Majesty's government of American citizens confined in British prisons for complicity with Fenianism, matters, among others, especially intrusted to me, have been either concluded or are upon the point of fulfillment, as appears by my latest correspondence.

As to the so-called Alabama negotiations, I never received a power in regard to them, Government having hitherto thought it best to keep them suspended, and to conduct them, when resumed, at Washington.

And now, in the profound silence of Government in regard to this sudden change, I am obliged to seek enlightenment at a source whence a diplomatic agent does not usually expect his original and only information as to himself and his mission. From rumor alone I derived all the facts connected with my dismissal, and rumor alone has vaguely attempted to indicate its cause. It is not for me to say whether reasons are legally necessary, but neither governments nor individuals, however arbitrary, can escape the tribunal of the public conscience.

It has been said that I volunteered to prepare my own instructions; that, when prepared, they were submitted to and disapproved by you, as not being in accordance with the views of the administration; that I was subsequently furnished by you with the instructions of the President; that on my first interview with the late Lord Clarendon, I suppressed those instructions and submitted to the English secretary of state my own private views, contained in the paper which had been disapproved, and which were in direct opposition to those of the President; and, moreover, that I formally presented those views in writing to the English government as the policy of the President.

Certainly if this tale were true, it would have been the duty of the President, as soon as the facts became known to him, to recall me, without a moment's delay. Diplomatic intercourse between nations would be impossible if an agent should be retained in office who deliberately and intentionally violates instructions of his government.

But the tale is false, and in order to disprove it I shall take the liberty of recalling certain important facts to your recollection.

After the President had honored me with the appointment of minister to this court, I employed myself in the interval of waiting for my instructions at Washington in examining the archives, and in revising my recollections of previous important negotiations and discussions between the Governments of the United States and Great Britain. In so doing, I drew up an historical memoir concerning which there occurred some entirely informal conversation between yourself and one or two other friends of mine, and it was suggested that it might be worth your while to read the paper, if you could find leisure to do so.

It was accordingly sent to you, and subsequently returned to me with no expression of dissent as to any of its views, but with an intimation on your part, in the wisdom of which I entirely acquiesced, that it was thought best by the President, in consequence of the excitement existing in both countries by reason of the rejection of the convention of 14th January, 1869, to suspend for a limited time the discussion of the differences between the two countries.

From that day to this there has been no question in regard to this memoir. It has lain undisturbed among my papers. It has never been seen or heard of by any member of the British government or by any person whatever in this country. So far as I am informed, no one but yourself and two other American friends ever saw it, and not one line of it has ever been used by me officially or privately.

The instructions in your No. 3 were delivered to me on the morning of my departure from New York for Liverpool. Calling upon Lord Clarendon, as an old acquaintance, at his private residence, on the day after my arrival, I took pains to state, as appears by his dispatch to Mr. Thornton, 10th June, 1869, (published in parliamentary papers nearly a year ago,) that "I preferred not to enter upon matters of business that day, as my instructions had only been delivered to me when on the point of embarkation, and I had not yet had time sufficiently to consider them."

I solemnly assert that I was actuated at that moment of arrival, and at every moment since, by the earnest desire and determination to carry out the President's instructions, with loyalty, and to the best of my ability, and never intentionally to propound my own individual opinions as those of the Government.

So far as my humble services could contribute to the result, it was my wish that nothing should be left undone on my part to make his civil administration as successful as his military career had been glorious.

It was, as I supposed, understood before my departure for England, although not publicly announced, that the so-called Alabama negotiations, whenever renewed, should be conducted at Washington, in case of the consent of the British government.

I had been instructed, however, to suggest to that government that there should be a suspension of all discussion of disputed questions for a short time, in order to allow the subsidence of excitement or irritation growing out of the negotiation or rejection of the convention of 14th January, 1869.

This suggestion I made at the outset of my first official interview with Lord Clarendon, which took place on the 10th June, 1869, and we had then a full conversation on the general relations between the two countries. I was not authorized to read him these, your first general instructions; still less to furnish him with a copy of them. Such a course would have been opposed to diplomatic usage. I was allowed "in my discretion to communicate certain views," and I proceeded in the exercise of that discretion to render the substance of your paper of instructions (17 folio pages) with as much accuracy as to the order of topics, tone of thought and general phraseology as it was possible for me to do in a familiar conversation. The full record of that conversation is made in my No. 8. It reveals throughout an earnest disposition on my part to reproduce your instructions with fidelity.

On receiving that communication, you addressed me a courteous, candid and friendly dispatch, in which there were some criticisms upon certain portions of my narrative. I take leave to quote in this place the whole of that dispatch, because it contains the only exceptions taken by you to any expressions of mine during the whole course of my mission.

No. 23.]

DEPARTMENT OF STATE,
Washington, June 29, 1869.

SIR: I have to acknowledge the receipt of your dispatch No. 8, dated June 12, and have read with much interest its narrative of your very important interview with Lord Clarendon.

Your general presentation and treatment of the several subjects discussed in that interview meet the approval of this Département.

In the course of the conversation, however, it seems that the President's view of the right of every power, when a civil conflict has arisen within another state, to define its own relations and those of its citizens, was not conveyed in precise conformity to that view, as I desired to present it to you, and as it would doubtless have been conveyed by you, had your communication been made in writing.

The subject may not again be a topic of official communication between yourself and the minister for foreign affairs; but I venture to call your attention to it, because of the statement in your dispatch, that Lord Clarendon observed at that part of your remarks, "that if there was to be any discussion of principles, it had better be done thoroughly and to the bottom." The President recognizes the importance of a thorough discussion, whenever the subject is resumed, upon all the points of difference.

He wishes that whenever negotiation or discussion on the subject of the Alabama claims, so-called, shall be renewed, they be conducted in the United States; and he desires that at the proper time you should convey this wish to the minister for foreign affairs. It is impossible to say at present when that time will arrive; but it will certainly have arrived whenever the British government shall propose a discussion, or shall intimate a desire to reopen the negotiation.

In the mean time you may be well content to rest the question on the very forcible presentation you have made of the American side of the question. It was strongly done; and if there were expressions used stronger than were required by your instructions, the excess was in the right direction; and stopping where they do, and uttered as they were, it may well be hoped that they may tend to impress the minister with the seriousness of an appreciation of the grievances we have sustained.

I am, sir, your obedient servant,

HAMILTON FISH.

JOHN LOTHROP MOTLEY, Esq., &c., &c., &c.

The paragraph of your instructions especially alluded to by you in the above-mentioned letter is as follows:

The President recognizes the right of every power, when a civil conflict has arisen within another state, and has obtained a sufficient complexity, magnitude, and completeness, to define its own relations, and those of its citizens and subjects, toward the parties to the conflict, so far as their rights and interests are necessarily affected by the conflict.

The necessity and propriety of the original concession of belligerency by Great Britain, at the time it was made, have been contested and are not admitted. They certainly are questionable; but the President regards that concession as a part of the case only so far as it shows the beginning and the animus of that course of conduct which resulted so disastrously to the United States. It is important in that it foreshadowed subsequent events.

There were other powers that were contemporaneous with England in similar concession, but it was in England only that the concession was supplemented by acts causing direct damage to the United States. The President is careful to make this discrimination because he is anxious as much as possible to simplify the case and to bring into view these subsequent acts, which are so important to determining the question between the two countries.

In my conversation, endeavoring to report in my own words the substance of the whole paper, I said, in regard to this paragraph, as appears by the record:

I then stated the opinion of the President in regard to the recognition or concession of belligerency, as stated in your No. 3, saying that the President recognized the right of a sovereign power to issue proclamation of neutrality between an insurgent portion of a nation and the lawful government, when such insurrection should have gained the necessary magnitude, consistency, extent of organized power and probability of justification by success, but that such measures must be taken with a full sense of the grave responsibilities incurred. The famous proclamation of neutrality, of 13th May, 1861, was not considered justifiable by the United States Government, but the President wished it to be used, when our case should once more be presented, only as showing animus, and as being the fountain-head of the disasters which had been caused to the American people, both individually and collectively, by the hands of Englishmen.

Other nations had issued proclamations, contemporaneously, or nearly so, with that of Great Britain, but from Great Britain alone had come a long series of deeds, injurious to the United States, as fruits of the proclamation, while from other nations there had come no injury save the declaration itself.

Nothing further on the subject occurred. The pause recommended by

you was scrupulously observed until the arrival of your dispatch of 25th September, 1869, in which you informed me that "the President was inclined to believe that sufficient time had elapsed to allow subsidence of emotions, and that thus it might be opportune to place in my hands for appropriate use a dispassionate exposition of the just causes of complaint of the Government of the United States against that of Great Britain."

On receiving that dispatch, in order to avoid a possibility of misunderstanding the President's instructions, I immediately telegraphed to you for permission to furnish a copy of it to Lord Clarendon, as you instructed me only to read it to him. You replied by authorizing me to send a copy if he should ask for it in writing. This was accordingly done without delay.

As Lord Clarendon's language at the interview in June had been significant and decided in regard to the expediency of abstaining at that moment from discussion of exciting questions, unless they were to be fully debated, as his expressions of friendship towards the United States, and of abhorrence of even the possibility of war between the two countries, were singularly warm, and as his part in the conversation was most important and interesting, I had taken the precaution before sending you a dispatch on the subject to request him, confidentially, to read over the record which I had made of our conference.

It was expressly understood between us that no one should look at it but himself, and that not a single note of its contents should be made. Conscious that I had endeavored to present the President's views with fidelity and accuracy, and not doubting that I had done so, I wished to be sure that I had correctly reported what Lord Clarendon had said, and to avoid the possibility of future differences of recollection.

This proceeding, entirely in accordance with the best diplomatic usage and with common sense, did not seem to me at first of sufficient importance to be narrated.

It was only after receiving your No. 23, with its friendly criticisms on my report of the interview, that it occurred to me it might be useful for you to know the fact of the confidential revision made by Lord Clarendon of his share in the conversation.

I made a communication to you accordingly to that effect on the 30th of July, of which no acknowledgment was received by me until nearly three months afterwards. Meantime, your instructions, No. 70, had been received by me, and read in accordance with your directions to Lord Clarendon. On the 23d of October, 1869, I received a brief instruction from you, in consequence of which I addressed on the same day the following note to Lord Clarendon, (published in the *Gazette*, December 24, 1869:)

LEGATION OF THE UNITED STATES,
London, October 23, 1869.

MY LORD: In reference to the conversation which I had with your lordship on the 10th of June last, and to the dispatch from the United States Secretary of State, which I had the honor to read to you on the 15th instant, it may have possibly appeared that there was some inconsistency between the views of the President upon the subjects of the recognition of the late insurgents in the Southern States as belligerents, and the destruction of American commerce by cruisers of British origin, carrying the insurgent flag, as verbally expressed by me at the interview in June, and those views as set forth in the above-mentioned dispatch. I think it necessary to inform your lordship, therefore, that the Secretary of State, on reception of my dispatch recounting the substance of the conversation in June, observed to me, in a dispatch of the 29th of June, that it did not seem that the President's view of the right of every power, when a civil conflict has arisen within another state, to define its own relations and those of its citizens, had been conveyed in precise conformity to that view, as the Secretary of

State desired to present it to me, and as it doubtless would have been conveyed by me had my communication been made in writing.

I would, therefore, request your lordship to consider the dispatch of the United States Secretary of State, which I read to you on the 15th instant, and a copy of which I have had the honor of sending to your lordship, as containing the exact and authoritative statement of the President's views on this subject, as laid down in all the instructions given under his directions by the Secretary of State.

I pray your lordship to accept the assurances, &c., &c.

JOHN LOTHROP MOTLEY.

And on the 26th October I wrote a note to you, from which the following is an extract:

Had I submitted the whole case in writing on my first arrival, instead of conversation, (which would have been difficult and unusual,) I should, of course, have used the very words of your instructions, so as to transmit with absolute exactness their tenor. My wish is to conform with entire fidelity to the President's views and your directions. I doubt whether Lord Clarendon observed any marked inconsistency between the views as verbally stated by me on June 10th and as set forth in your No. 70, which I read to him on the 15th October. At any rate, he made no comment to such effect, either during the reading or after it had been concluded.

If ever diplomatic incident, not profoundly important in itself, could be considered as terminated, certainly here was one.

To suppose that an unintentional and almost imperceptible variation in the verbal rendering by a minister of a single paragraph in a long dispatch, scrupulously set right on the first opportunity, could be cause or justification of that minister's sudden dismissal from office thirteen months afterward, without a word of explanation, is monstrous.

Penalty, even under the most arbitrary and irresponsible government, would follow at once upon the imaginary offense, and be openly and frankly assigned.

Lord Clarendon, in his reply to my letter of 23d of October, did not admit, and never in conversation, official or private, subsequently admitted that he had discovered any inconsistency between the brief exposition made by me in the conversation in June of the President's views on belligerency, as I understood them, and the elaborate statement on the subject contained in your No. 70, a copy of which I furnished him. It would have been difficult for him to do so, as my record had not been officially submitted, and no trace of it exists in the archives of the Foreign Office.

It would, I think, have been difficult in any event for him or any other statesman to have discovered a serious inconsistency.

In nineteen folio pages of your No. 70, of the 25th of September, you speak of the proclamation of the 13th of May, 1861, and the previous announcement on the 6th of that month, as having been received by the United States Government "with painful astonishment." You say that "every sovereign power decides for itself on its responsibility whether or not it will at a given time accord the status of belligerency to the insurgent subjects of another power; but that the rightfulness of the act depends on the occasion and the circumstances.

You speak of the proclamation as "precipitate," "unseasonable," "premature," and characterized, "in the words of Mr. Bright, by remarkable celerity, undue and unfriendly haste." You call the assumed belligerency of the insurgents "a fiction," and say, that so far as it was maritime, it proceeded from the ports of Great Britain and her dependencies alone, with aid and coöperation of subjects of Great Britain. You characterize the recognition as "prejudicial to the legitimate government," and you say that there were no facts "to justify the action of Great Britain in the present case;" that, therefore, "the United States felt constrained at the time to regard the proclamation as the sign of a

purpose of unfriendliness to them and of friendliness to the insurgents, and that in virtue of the proclamation maritime enterprises in the ports of Great Britain, which would otherwise have been piratical, were rendered lawful, and thus Great Britain became, and to the end continued to be, the arsenal, the navy yard, and the treasury of the insurgent confederates."

I have not been able to discover wherein that inconsistency between my effort in June, as above cited, to explain what I understood to be the President's views, and the exposition from which these extracts are made. You have never explained the nature of the discrepancy, and it still remains a mystery to me.

The correspondence communicated to the Senate on the 13th July, 1870, and much more which remains unpublished, shows how earnestly I supported the views of the President, as communicated in your above-cited dispatch.

I have recalled to your memory these facts at some length, because the statement shows that there has always been scrupulous and minute fidelity to instructions on my part.

During thirteen months succeeding the incidents of June, 1869, Government has employed me in the most serious matters that can occupy an envoy in the negotiation of treaties and other important and confidential business, up to the moment when, in three lines, you informed me that the President, for no reason whatever, would permit me to resign.

Since that hour I have heard, through the public press, from time to time, and through that source only, that the mission had been offered to and refused by one gentleman after another.

Having for well-considered reasons refused to resign, I have been obliged to await, and with extreme impatience, my recall, and the notification of the appointment of my successor. No successor having been appointed, the President has thought proper at last to order me peremptorily, without one word of explanation, to place the conduct of the mission in the hands of the secretary of legation, and to retire from my post; an indignity, I believe, to which no public minister of the United States has ever before been subjected. History will decide upon whom the discredit of the transaction rests.

I have heard of no other pretext, deserving anything but disdain in an official document like this, to justify the action of the Government, save one which I reserve to the last.

It has been rumored, in every way by which public thought can unofficially express itself, that I have been removed from the post of minister to England because of the opposition made by an eminent Senator who honors me with his friendship to the ratification of the San Domingo treaty.

Upon this I shall only observe that my own opinion in regard to the annexation of that island has never been asked for by any person whatever; that I have never expressed an opinion on the subject, publicly or privately, for the simple reason that the materials for forming an opinion have never been within my reach, and that I have had enough to do in attending to the duties of my mission, without meddling with matters which did not concern me.

I know not whether the rejection of that treaty by the Senate was the cause of my removal, but this I do know: that the Senate rejected the treaty on the 30th of June of this year, and that the letter requesting my resignation was written the next day, namely, on the 1st of July. I here place it on record as an historical fact.

I have thus recorded in my last official act a solemn protest against the outrage, as I believe entirely without precedent, of my peremptory removal.

I shall only add that while maintaining, during my brief mission, the honor and rights of the country which I had the privilege to represent, I have always reported faithfully the earnest, and, as I believe, the sincere desire of the British government and people to revive cordial and kindly relations between the two countries, to make fresh efforts for the settlement of past grievances, and to provide against their future recurrence.

There can be no nobler ambition than to strive for such a result, and the statesman who may accomplish it will deserve well of two great nations.

JOHN LOTHROP MOTLEY.

Mr. Motley to Lord Granville.

LEGATION OF THE UNITED STATES,
London, November 29, 1870.

MY LORD: Referring to my verbal communication to your lordship on the 22d instant, I have now the honor to state that I have received a letter addressed by the President of the United States to her Majesty the Queen, announcing my recall from the post of envoy extraordinary and minister plenipotentiary at this court.

I have the honor to inclose herewith an office copy of the President's letter, and to request your lordship to be so good as to ascertain in what manner it will be most agreeable for her Majesty to receive the original, and to accept the expression on the part of the President of the United States, which I have been instructed, on taking leave of her Majesty, to convey, of his desire to maintain the friendly relations which now so happily exist between the two countries.

I have further to acquaint your lordship that, on retiring from the mission, I have been instructed to commit the archives of the legation into the hands of Mr. Moran, to whom for the present such communications as may be necessary can be addressed.

In thus closing my official relations with your lordship, I trust that you will permit me to express my high sense of the uniform courtesy and cordiality, both on your lordship's part and on that of the late lamented Earl of Clarendon, which have so much facilitated the discharge of my duties here, and to assure you that they have ever been highly appreciated by me.

I have the honor to be, with the highest consideration, my lord, your lordship's most obedient servant,

JOHN LOTHROP MOTLEY.

The Right Hon. the EARL GRANVILLE, &c., &c., &c.

Lord Granville to Mr. Motley.

FOREIGN OFFICE,
December 5, 1870.

SIR: I have not failed to lay before the Queen your note of the 29th ultimo, inclosing a copy of your letter of recall; and in acquainting you that her Majesty will grant you an audience at Windsor Castle to-morrow at 3 o'clock, for the purpose of delivering the original, I am commanded to express to you her Majesty's sincere esteem, and her regret at your departure from this country.

I thank you much for the kind expressions with regard to my predecessor and myself which are contained in your note. It was to him, as it has been to me, an agreeable duty to communicate with you on the affairs of our respective countries.

I shall be happy to address to Mr. Moran, as you request, any communications which it may be necessary to make to the legation.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

GRANVILLE.

JOHN LOTHROP MOTLEY, Esq., &c., &c., &c.

15. *Mr. Fish to Mr. Moran.*

No. 54.]

DEPARTMENT OF STATE,
Washington, December 30, 1870.

SIR: A paper was received at the same time with your latest dispatches, purporting to be from the legation of the United States in London, in the form of an official dispatch, numbered 529, and signed by Mr. Motley, the late envoy extraordinary and minister plenipotentiary from this Government to that of Great Britain.

Mr. Motley retains in this paper the form and style of official correspondence, although he had ceased to hold official relations with this Government. He professes to write from the legation no longer in his charge.

His paper is entitled "End of Mission," and extends over sixty-two pages of manuscript, of which two are given to the acknowledgment of the receipt of his letters of recall, and the alleged causes of delay in their presentation, and less than one page records his taking leave and the committal to your charge of the archives and other property of the legation. Here, it might be supposed, having reached and recorded the "End of (his) Mission," would be found the end of the paper. But Mr. Motley proceeds, through fifty-odd pages, after recording the "End of his Mission," to place on record a "statement of the manner in which it has been terminated."

It may possibly occur to some sensitive persons that delicacy, not to say propriety, would suggest to a retired official of the Government, wishing to place his views on its official archives, to make a request to that effect, which certainly would have been most cheerfully accorded to a gentleman of Mr. Motley's eminent distinction and great ability. But Mr. Motley, "having closed" his mission, asks no permission, but assumes as a right, to place his statement on record. Questioning the taste and denying the right of this assumption, I nevertheless allow a place in the diplomatic records of the country to Mr. Motley's history of the end of his mission.

Mr. Motley states that "on the 25th day of June last, he read in the telegraphic intelligence from the United States of a London journal" the announcement of his coming removal.

He had not been an attentive reader of American newspapers if the 25th day of June had arrived before the first rumor of a change, which for months had been an occasional newspaper topic, arrested his attention.

He says "it would be impossible for any diplomatic agent to believe himself as more thoroughly possessing the confidence of the Government" than he supposed himself "to enjoy at that moment;" and that "no shadow of a difference of opinion existed between the President and his Government and himself, as to our relations with Great Britain."

It is not for me to question the measure of Mr. Motley's appreciation of his position in the confidence of his Government, but I cannot accept his statement that no shadow of a difference of opinion existed between the President and his Government and himself, as to our relations with Great Britain.

Mr. Motley was appointed minister to the Court of St. James in April, 1869, under the impression of an entire agreement on his part with the President as to our relations with Great Britain, and with the confident expectation that if any difference might exist, or should arise, the min-

ister would accept and represent the views, opinions, and policy of the Government under which he held his power.

Shortly after his appointment, and before he left this country for his post of duty, it became apparent that, upon a question of controlling interest, at that moment occupying the attention of the thoughtful and the prudent, to restrain the passions which had been excited by eloquent declamation and powerful rhetoric, Mr. Motley accepted the views upon which popular excitement had been stimulated and wrought to the verge of dangerous irritation, rather than those which the President deemed to be sound and based upon the true principles of public law.

With much evident study and labor, he prepared an elaborate "memoir," and submitted it as his views upon the questions at issue between the two governments, and as the general tenor of the instructions which he would desire to receive. It was expressed in the felicitous and captivating style which has given Mr. Motley so distinguished a position in the world of letters; but it was written with a full impression of the views presented in a then recent debate in the Senate, and abounded in forcible expressions and strong epithets, and terms of denunciation not appropriate to the calm discussion of a grave international difference, and little calculated to allay existing excitement or irritation, or to induce her Majesty's government to lend a patient ear to the presentation of the American case.

Beyond the objection to its general tone and style of expression, this paper appeared to the President to be objectionable in other respects. It assumed to state what had passed in the Senate in its secret session, and the motives which had actuated the members of that body. It has always been held that the debates in either house of Congress, like the communications of the President to either of those bodies, are not subjects for discussion with foreign powers. Upon them the Government does not allow itself to be interrogated. They are purely internal and deliberative, and are the privileged interchange of views and opinions between parties charged with and engaged in the formation of the aggregated and official expression of the public will, with which alone foreign powers are permitted to enter into discussion. To have laid before one of those powers the action of the Senate, other than its final judgment, or to have undertaken to explain the motives leading to that judgment, would have been an unauthorized assumption, inconsistent with the independence of that body, and with the respect due to it.

Again, Mr. Motley's "memoir," if adopted, would have assumed to express the views of the President upon the main questions at issue; whereas, the President thought it wise, and in the interest of peace and of the future amicable settlement of those grave questions, to postpone any presentation of his views upon the main issues (beyond those which were subsequently expressed in the instructions of May 15, 1869) until the passions which had been aroused in England by the rejection of the treaty and by the leading speech made upon it had exhausted themselves. There was nothing exceptionable in the manner in which these views of Mr. Motley were brought to the notice of the Government, nor any undue tenacity exhibited in their maintenance. He presented them in an entirely acceptable form and manner, free from any obtrusiveness or forwardness.

They were carefully considered, and were thought to be neither sound nor politic. His instructions were framed in a different view of rights and duties involved in the questions upon which the two governments were at issue.

It was not doubted, when he left the United States for his post, that

he would cordially accept and carry out the views of his Government, according to these instructions, even when they differed from those which he himself entertained. That such was the duty of a public minister, deputed to represent his Government, there will be none to question; that such was not his course must be admitted by every candid and impartial person who compares his instructions, dated May 15, 1869, with his dispatch No. 8, giving the account of his interview with the Earl of Clarendon on the 10th of June of that year. The tone, temper, and language of the instructions were conciliatory; their object was to postpone discussion, and to avoid further irritation. This Government had rejected the convention that had been negotiated, and had refused the mode and measure of redress which Great Britain had been willing to accord; a consequent disappointment and irritation were manifested in that country, which the President thought should be allowed to subside before the two governments could resume the discussion with a reasonable expectation of an amicable and satisfactory solution.

He therefore not only abstained most cautiously from any irritating expressions, but also from a discussion of the main issue.

Reasons were assigned why the rejected convention had not proved satisfactory, without entering into argument.

The positive instructions to Mr. Motley as to what he must say, were limited to two points.

I. He was directed to say to Lord Clarendon that the Government, in rejecting the recent convention, abandoned neither its own claims nor those of its citizens, nor the hope of an early, satisfactory, and friendly settlement of the questions pending between the two governments.

II. He was further instructed that in his private and social intercourse, as well as in his official conversations, when it should become necessary, he should place the cause of grievance of the United States against Great Britain, not so much upon her issuance of the recognition of the insurgents' state of war, as upon her conduct under and subsequent to such recognition.

It was left discretionary with Mr. Motley to touch upon the other points referred to in his instructions; and it certainly was not contemplated or expected that he would go beyond the cautiously guarded expressions of that paper.

A main point of difference between the views of the President and those advanced in Mr. Motley's "memoir," was in connection with the amount of stress to be laid upon the time, the manner, and the rightfulness, as a measure justified by public law, of the concession of belligerency to the insurgents of the South by Great Britain. The President held, in accordance with the doctrine of the best writers upon international law, and with the precedents of our own history, and as a logical result from the fact of national sovereignty, that it is the right of every power, when a civil conflict has arisen within another state, and has attained a sufficient complexity, magnitude, and completeness, to define its own relations, and those of its citizens and subjects, toward the parties to the conflict, so far as their rights and interests are necessarily affected by it.

Mr. Motley was instructed that such were the President's views, which he was to present, if he referred to this point in the question; and that while the President regarded the necessity and the propriety of the original concession of belligerency by Great Britain as "questionable," he regarded that concession as "part of the case only so far as it shows the beginning and the animus of that course of conduct which resulted

so disastrously to the United States." "It was important [not so much in itself, but] in that it foreshadowed subsequent events."

That it was not to be treated as the gravamen of the complaint, the instructions made more clear by their reference to the fact that there were other powers that were contemporaneous with Great Britain in similar concessions; but that in England only had the concession been followed by acts resulting in direct damage to the United States.

Mr. Motley was expressly instructed, in his social and private intercourse and conversation, as well as when it might become necessary to do so officially, to adopt these views of the President. He was requested, in his social intercourse with representatives of other powers which had made similar recognition, to let them understand that the United States made such recognition by them no ground of complaint. This was regardless of the time or of any supposed prematurity of such recognition.

Mr. Motley's dispatch of the 12th of June, already referred to, shows how he fulfilled the trust committed to him.

The determination of this Government not to abandon its claims nor those of its citizens, was stated parenthetically and in such a subordinate way as not necessarily to attract the attention of Lord Clarendon; and instead of expressing the hope entertained by this Government that there would be an early, satisfactory, and friendly settlement of the questions at issue, he volunteered the unnecessary, and, from the manner in which it was thrust in, the highly objectionable statement that "the United States Government had no insidious purposes," and, in violation of the spirit of his instructions, he "confessed to a despondent feeling sometimes as to the possibility of the two nations ever understanding each other—of the difficulty at this present moment of their looking into each other's hearts."

He repeats, in almost the identical words, the strong expressions, adjectives, and expletives, the stinging allusions, and the cutting observations which had been submitted in his "memoir," and rejected by this Department, and none of which were authorized by his instructions. He said that he "had been instructed to give the reasons why, in the opinion of the President, the treaty signed on the 14th of January last had been rejected," while no such instruction had been given him. He volunteered the information that the rejection of the convention was "not in the slightest degree an affair of party." He talked of the "gravity of the occasion," of the "burning questions," of "grievances that must continue to rankle and fester," of "wounds that must be probed," of the "intensity of opinion," &c.

The whole tone of these remarks was in entire variance with the tone and spirit of his instructions.

More than once he went to the very verge of admissible diplomatic suggestion, in alluding (without any authority in his instructions for such minatory or threatening intimations) to "the contingencies which would depend on negotiations concerning such vital questions;" that the President concurred in the action of the Senate, "not because he wished or hoped for war or *unfriendly relations*;" that he wished a brief pause in the negotiations "before once more calmly reviewing the situation, and looking the issues between the countries, with all their difficulties, dangers, and contingencies steadily in the face." "The contingencies of war or peace."

Neither the letter nor the spirit of his instructions authorized such expressions, with which his remarks abounded; much less did his instructions, or the proprieties of the occasion, or the feelings of the

President, justify his repeated allusions to the contingency, or to the possibility of war. It is a grave responsibility for a minister to assume to intimate to the government to which he is accredited the contingencies of war. Nations have been dragged into war by indiscretions less flagrant than those of Mr. Motley. He assumed a responsibility beyond the proprieties of his trust.

Instead of saying what he had been authorized to say in relation to the concession of belligerency, Mr. Motley informed the Earl of Clarendon that the President "recognized the right of a sovereign power to issue *proclamations of neutrality* between an insurgent portion of a nation and the lawful government, when such insurrection should have gained the necessary magnitude, consistency, extent of organized power, and *probability of success*; but that *such measures must always be taken with a full view of the grave responsibilities assumed.*"

He was not instructed to threaten Great Britain, or to refer to her responsibilities. It is reserved to the President to decide when intimations of consequences, or allusions to the responsibilities of other powers shall be uttered. To Mr. Motley he had committed no discretion in such delicate matters.

Mr. Motley had been authorized to say that the President "regarded the concession of neutrality as a part of the case only so far as it shows the beginning and the animus of that course of conduct which resulted so disastrously to the United States." Mr. Motley characterized this concession, in his interview with Lord Clarendon, as "the fountain head of the disasters which had been caused to the American people, both individually and collectively, by the hands of Englishmen." And he added that "from Great Britain alone had there come a long series of deeds injurious to the United States as the fruits of the proclamation." Well might he say, as he did in a subsequent dispatch on the 15th of July, 1869, that he had gone "beyond the strict letter of his instructions." He might have added, in direct opposition to their temper and spirit.

It may be said by some that what Mr. Motley expressed was true. He, however, was not instructed or authorized to say it. The public representative of a government fails in his duty, and does it wrong, when he uses in its behalf language unauthorized, or when he utters in its name opinions and thoughts which possibly his government may entertain, but has not thought it expedient or proper to express. Many if not the most of these extreme expressions and intimations of consequences, and the prominence given and stress laid upon the concession of belligerency, were in the "memoir" which had been submitted by Mr. Motley. He was, therefore, fully apprised that the Government had refused to sanction what, in his interview with Lord Clarendon, he deliberately expressed.

That he had in his mind at that interview, as a guide, something else than his letter of instructions from this Department would appear to be evident, when he says that "he called his lordship's attention to your [my] very judicious suggestion, that the throwing the dice for umpire might bring about opposite decisions." The instructions which Mr. Motley received from me contained no suggestion about "throwing of dice." That idea is embraced in the suggestive words "*aleatory process*," (adopted by Mr. Motley,) but previously applied in a speech made in the Senate on the question of ratifying the treaty.

Mr. Motley's dispatch of the 12th of June, 1869, was received at the Department of State on the 23d of the same June. The Department

did not then know that it had been submitted for verification to the inspection of her Majesty's principal secretary of state for foreign affairs.

Such submission is not inconsistent with diplomatic usage, but it is inconsistent with the duty of a minister, reporting an important interview, when he has thus submitted his report for verification, not to inform his government of that submission. Mr. Motley submitted the draft of his No. 8 to Lord Clarendon, and failed to communicate the fact to his government.

The discrepancy between what Mr. Motley had been instructed or authorized to say and what he did say did not fail to attract attention, and a memorandum was made at the time, for the purpose of criticism at least. There were especial and peculiar reasons why the Government desired to be kind to Mr. Motley. His high reputation in the field of letters, his recognized general intelligence, his unquestioned purity of character, and his personal familiarity with many prominent persons in official life in Great Britain, had secured for his designation to the post which he was filling a considerable amount of popular approval and, as was then hoped, would command confidence in Great Britain.

There were other reasons peculiar to himself which suggested the avoidance of sharp criticism. The earnest tone of the "memoir" which he had offered as the basis of his instructions was remembered, and was recognized in his narrative of the interview with Lord Clarendon. It was thought not improbable that his language in that interview had been less strongly pronounced and more in accordance with the tone and letter of his instructions than appeared from his dispatch; that in attempting to record what he had actually said, the tenacity of memory and adherence to previously expressed opinion interpolated much of what he had written in his "memoir" with that which he had said to Lord Clarendon.

The Government sought excuses and desired to avoid a rebuke and determined to overlook all that it could overlook in his case. It appeared from his dispatch that he had already received a check from Lord Clarendon, when, in the midst of his departure from his instructions as to the President's view of the concession of belligerency, he was arrested by the remark, that if the subject was to be discussed it must be discussed from the bottom and thoroughly. The British government had accepted the propriety of the President's suggestion to temporarily suspend the negotiations, and no special exception had been openly taken to the tone or manner in which Mr. Motley had presented himself.

This afforded the President an opportunity to prevent any further misapprehension of his views through Mr. Motley, by taking from him the right to discuss further the "Alabama claims."

In the spirit of kindness and tender consideration for the feelings of Mr. Motley, my dispatch of the 28th of June, 1869, (quoted at length, and in the main accurately, though under the date of the 29th of June, in the paper now under consideration,) was written. The desire to avoid criticism, and to save his feelings, may have been carried too far in that dispatch; but it was at the time thought that the withdrawal from Mr. Motley, upon the receipt of his first effort on the subject, of the right of any further discussion of the only very important or difficult question at the time pending between the two governments, would be regarded by a sensitive gentleman who had devoted so much time and labor to his "memoir" on that question as so severe a rebuke, and so practical a proof of want of confidence, that kind words in the generalities of the dispatch might be indulged.

It was not until more than a fortnight after the receipt by Mr. Motley

of the dispatch prohibiting his further discussion of these questions, that he wrote to the Department informing it that his No. 8, of the 12th of June, had been submitted for verification to Lord Clarendon, before its transmission to his own Government. Had that submission been known at the date of my acknowledgment, on the 28th of June, of his statement, it cannot be doubted that a very different reply would have been made. The tardy report of this important fact was received here on the 11th of August, when I was on a visit for only a day to Washington, during a temporary vacation, and the dispatch was not brought to my notice. The knowledge of it did not reach me till October.

When the President was informed that Mr. Motley had withheld this important fact until after he had obtained the acknowledgment and the reply of the Department to a dispatch which had already drawn to the utmost upon his kindness and forbearance, it may be imagined that his confidence and his respect for his minister did not remain as they had been. From that time it was impossible that he should remain as the representative of the Government longer than the exigencies of the public service, as to the other matters specially committed to his charge, might require. Probably his public employment would then have instantly ceased but for considerations presented to the President, partly of a personal nature with respect to Mr. Motley, but more especially as to the negotiations then pending for the completion of the naturalization convention, for a consular convention, and as to other matters then in discussion between the two governments.

Without violating any confidence, I am quite justified in asserting that, from October of last year until the day when his successor was nominated to the Senate, Mr. Motley's retention in his position was with the reluctant approval of the President, and with his frequently declared intention to name a successor at no distant day. The withdrawal of all right to discuss the "Alabama" question, on which he had manifested an absence of sympathy with the President, and of willingness to represent the views of the Government, left no room for further mistakes on that question; and as he had, on entering upon his mission, been intrusted with the completion of the naturalization convention, and with the negotiation of a consular treaty, on both which he was then actively engaged, the President was inclined to allow him to complete at least one of these before his recall.

The naturalization convention was signed by Mr. Motley on the 13th of May last, was received here in the latter part of that month, was immediately sent to the Senate, and was under consideration by that body in the latter days of June last. The consular convention promised a more protracted negotiation.

On the 27th of June last Lord Clarendon died. Congress was then drawing its session to a close. The President has never failed to desire the earliest possible adjustment of the "Alabama" question. In September, 1869, before the knowledge of the submission of Mr. Motley's dispatch of June 12 to Lord Clarendon came to me, Mr. Motley had been instructed to express to her Majesty's government the readiness of the United States to enter upon the consideration of the question.

The death of the British minister for foreign affairs suggested the possibility of advancing a settlement under the successor of the deceased statesman, either by restoring the discussion of the question to the American minister in London, or through his agency in advancing its prosecution in Washington. The cordial and sympathetic coöperation of the American minister was necessary for the realization of any hope in that direction. However able and faithful Mr. Motley may have

shown himself on other questions, it had been demonstrated that the President could not rely upon his coöperation in the line of his views and his policy on this great question.

When the intelligence of Lord Clarendon's death reached here, (27th of June,) Congress was near its adjournment. The day for the final adjournment had been indicated as the 15th of July.

The opportunity for a renewal of negotiations might arise before the Senate would again convene in December. It was foreseen that a new minister would naturally hesitate to enter upon so important a position without having been confirmed by the Senate; would have less confidence in his position, and would speak with less authority, should he go abroad, without having received the assent of the Senate to his appointment.

It seemed that any supposed reasons for the further retention of Mr. Motley should yield to the more important public consideration of having a representative in sympathy with the President's views, who could take advantage of any disposition to renew the discussion of the "Alabama" questions. Consequently, on the 1st of July, (three days after the death of Lord Clarendon,) by the President's direction I addressed to Mr. Motley the letter of that date, quoted in his paper, informing him that the President found it desirable to make a change in the mission, and wished to allow him an opportunity to resign.

In view of the importance of having the nomination of Mr. Motley's successor confirmed by the Senate before its adjournment, I sent a cable dispatch on the 12th of July, requesting an answer to my letter of the 1st of July. No question was entertained that Mr. Motley would have felt it his duty, on the first and faintest suggestion that a change was desired, to hasten to place that resignation in the President's hands.

In fact, I regarded my message of the 12th as superfluous, not doubting that Mr. Motley would, without other suggestion than his own sense of propriety, and his appreciation of the relations of a minister to the President, have resorted to the telegraph instantly on the receipt of the letter. I sent the dispatch only because of the imminence of the adjournment of the Senate, "*ex abundante cautela*."

Mr. Motley's commission expressed on its face that he was to hold his office during the pleasure of the President. In his paper he expresses the opinion that, had a change been contemplated, he should have been privately informed of it. He was thus informed before the public was informed, and before there was any other than speculative announcements, such as had frequently before appeared in the public prints with respect to himself, and such as had for months formed the almost daily staple of newspaper gossip with respect to many other gentlemen of high position. He thinks that he should have been apprised of the "reasons," coupled with "an acknowledgment that he had been zealous and faithful." I cannot admit that he had the right to require of the President the assignment of his "reasons" for the exercise of one of his constitutional prerogatives, nor to make terms with the President by demanding from him an "acknowledgment of his zeal and fidelity." That acknowledgment is often made on the acceptance of a resignation from an officer who has proved zealous and faithful, and then it is significant and complimentary. I fail, however, to appreciate the value of such acknowledgment, exacted as a condition precedent of resignation.

He further says: "No man has a right to doubt that in such case I would have at once offered my resignation." The cases have been numerous, through the whole history of the Government, of gentlemen of high character and intelligence, and of unquestioned integrity, resigning

high positions on the simple indication of the desire of the President. But Mr. Motley, although requested, did not see fit to resign. On the 14th of July, the day before the Senate was to adjourn, he telegraphed declining to do so. The nomination of his successor was sent to the Senate that same day; on that day, also, he wrote a letter to me, which is set forth at length, (substantially, but not entirely as written,) in his paper. This letter was marked "Private," although that designation is omitted in the copy in his paper, doubtless through inadvertence. The omission becomes important, however, since he states, somewhat in the tone of complaint, that it has never been acknowledged. It is as well, therefore, to note this character of his letter, assigned to it by himself, and to state further, that it was not written as a dispatch, was not numbered, and was not in the form of an official paper.

In this letter he speaks of his appointment, "with, he believes, the unanimous consent of the Senate." I know not Mr. Motley's sources of information of the proceedings of the Senate in their secret session, in which alone nominations for office are considered. He refers to these secret proceedings with an apparent confidence that suggests more intimacy with the executive proceedings of that body than is allowed by its rules to those who are not members. The injunction of secrecy has not been removed from the proceedings of the Senate on Mr. Motley's confirmation. Possibly he relies upon outside rumors, which certainly were current, that the consent of the Senate had been unanimous. My confidence in the wisdom and appreciation of that body leads me to concur in Mr. Motley's belief. Rumor, however, also says that, upon the question of his recall, the Senate approached nearly to the same degree of unanimity; that only three votes were recorded against his recall; and that among the three so voting was not "the eminent Senator" with whose name he subsequently seeks to identify the cause of that recall.

On the question of his appointment, and on that of his recall, therefore, the Senate was nearly or entirely unanimous in its concurrence with the President.

Mr. Motley says that, "so far as he is aware, no regularly confirmed minister at this court [London] has ever been removed by the President who appointed him." Possibly this may be so; it may also be true as to some other courts than that of London. There have been, however, frequent instances of successive ministers to London, as well as elsewhere, appointed by the same President; but I have not examined, and it would be unprofitable to waste time in the examination to ascertain whether the first of the succession was removed or had resigned, or, in case of a resignation, whether or not he had been requested so to do. It will be safe to assume, however, that Mr. Motley has furnished the first instance in the history of the Government of a minister refusing his resignation when it had been requested by the President from whom he received his appointment. Moreover, Mr. Motley must be aware that a government, desiring to rid itself of a minister, can find other means of obtaining a resignation, or enforcing a vacancy in the office, than through a written request.

When Mr. Motley, referring to my dispatch of June 28th, 1869, (quoted by him as of June 29th,) says that it "contains the only exceptions taken by you [me] to any expression of mine [his] during the whole course of my [his] mission," he has probably forgotten the dispatch, No. 75, of October 11, 1869, in which, after referring to my not having been aware that his statement of his conversation with Lord Clarendon on the 10th of June had been submitted to his lordship for verification, he was told

